

WORK SESSION - CITY COUNCIL - CITY OF NEWTONSEPTEMBER 22, 2004

The City Council of the City of Newton held a Work Session at 6:00 PM on Wednesday, September 22, 2004 at City Hall with the following present: Mayor Robert Mullinax, Council Members Al Gaither, Wayne Dellinger, Tom Dixon, Tom Rowe, Anne Stedman, Roy Johnson, City Manager Edward Burchins, Assistant City Manager Glenn Pattishall, City Attorney Larry Pitts and City Clerk Rita Williams.

Mayor Mullinax called the Work Session to order and stated it was being held to discuss capital improvements.

City Manager Burchins reviewed the status of current capital projects, those that have been funded and underway, those which have been discussed but not funded and others which are needed. Status reports were given on the following projects:

PROJECTS COMPLETED OR UNDERWAY AND/OR NO ADDITIONAL FUNDING NEEDED

capital project	current		cost estimate	additional funding needed	total project funding requirements
	project status	funding source			
Water plant, raw water intake and city lake upgrades	under const.	borrowed funds	\$4,640,000		\$4,640,000
Wastewater Plant upgrades	under const.	borrowed funds	\$2,300,000		\$2,300,000
Simmons Street waterline	under const.	borrowed funds	\$ 60,000		\$ 60,000
Wyoming Street waterline	complete	retained earnings	\$ 90,000		\$ 90,000
Recreation Master Plan development	complete	fund bal.	\$ 21,000		\$ 21,000
E. Newton park entrance and parking lot	under const.	fund bal.	\$ 75,000		\$ 75,000
E. Newton Recreation Center	under const.	fund bal.	\$ 150,000		\$ 150,000
Equipment wash facility	under const.	borrowed funds	\$ 215,000		\$ 215,000
Fire Station design	complete	fund bal.	\$ 25,000		\$ 25,000
Z F Economic Incentive Grant	approved	one time cash flow savings from debt refinancing	\$1,280,000		\$1,280,000
Hwy. #16 Electric relocation project	under const.	NCDOT reimbursement	\$ 60,000		\$ 60,000
		Total	\$8,916,000		\$8,916,000

The Council discussed the projects listed above and Public Works and Utilities Director Marty Wilson reported that it will be spring of 2005 before the dredging on City Lake will be complete. He said the contractors estimated how much silt would

be taken out of the lake and they have been paid for the amount they have already removed. The balance of their money will not be paid until the project is complete.

City Manager Burchins reported on the improvements being made to the East Newton Recreation facility. He said bids came in under what was estimated on this project and the facility has been painted, damaged concrete has been replaced and landscaping is being done.

Mr. Burchins reported that due to the cost of steel increasing so much that the cost to provide water to Energy United may go up as much as \$1,000,000. Council members expressed their concern regarding the costs of projects being so much more than estimated.

PROJECTS APPROVED, FUNDING AND/OR ADDITIONAL FUNDING MAY BE NECESSARY

<u>capital project</u>	<u>current project status</u>	<u>funding source</u>	<u>cost estimate</u>	<u>additional funding needed</u>	<u>total project funding requirements</u>
Energy United waterline	bids due Oct. 12th	borrowed funds	\$4,500,000	\$1,000,000	\$5,500,000
Hwy. #16 waterline relocation	under const.	not identified		\$ 555,000	\$ 555,000
Greenway Project Phase II	awaiting grant approval	fed. grant fund bal.	\$ 100,000	\$ 25,000	\$ 125,000
Jacob Fork River Park	under const.	fed. grant fund bal. "in kind services - Cataw. Co.	\$ 250,000	\$ 438,150	\$ 688,150
New cemetery	under const.	borrowed	\$ 450,000	\$ 38,400	\$ 488,400
ZF Elec. & Generator	under design	not identified		\$ 700,000	\$ 700,000
Hwy. #16 new elec. cir.	under design	not identified		\$ 575,000	\$ 575,000
Moretz CDBG proj.	under design	CDBG Grt. fd. bal.	\$ 450,000	\$ 150,000	\$ 600,000
Total project costs			\$5,750,000	\$3,481,550	\$9,231,550

City Manager Burchins stated that a public forum will be held by the Council in November to get input from people in Nottingham and Starmount regarding the City providing water and sewer to those areas that do not have these services.

Mr. Wilson reported that the waterline to Abernethy Center must be relocated due to the Eastside Loop widening project. He said the cost would be \$30,000 more than was estimated.

PROJECTS DISCUSSED, NOT APPROVED FOR FUNDING

<u>capital project</u>	<u>current project status</u>	<u>funding source</u>	<u>cost estimate</u>	<u>additional funding needed</u>	<u>total project funding requirements</u>
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Fire station	in CIP Plan	not funded	\$2,457,000	\$2,457,000
areas not currently served w/water & sewer	under study	not identi- fied	\$3,404,300	\$3,404,300
Police Dept. space needs	in CIP <u>Plan</u>	not <u>funded</u>	<u>\$ 700,000</u>	<u>\$ 700,000</u>
Total project costs			\$6,561,300	\$6,531,300
TOTAL CAPITAL PROJECT COSTS			\$21,227,300	\$3,481,550 \$24,708,850

The staff answered questions the Council had on the various projects and further reviewed their status and funding status.

ADDITIONAL CAPITAL IMPROVEMENT REVENUE STATUS REPORT

<u>SOURCE:</u>	<u>AMOUNT</u>
Energy United	\$3,000,000
Increased Electric Sales	
Electric Sales	\$1,591,600
\$159,150 @ 4.25% for 10 years	
will leverage borrowing power of	<u>\$1,275,000</u>
Annual Taxes	\$ 198,000
\$198,000 @ 4.25% for 15 years	
will leverage borrowing power of	<u>\$2,163,500</u>
<u>Total one time revenues available</u>	<u>\$6,438,500</u>
Conover one-time payment was distributed as follows:	
Transfer to Electric Fund	\$600,000
Water Debt Service payment	\$667,000
<u>Water and Wastewa. Contingency</u>	<u>\$298,000</u>
	\$1,565,000
Sources of funds	
Energy United	\$3,000,000
Economic Development Tax Revenues	\$2,163,500
Increased electric sales	<u>\$1,275,000</u>
Total funds available:	\$6,438,500
Uses of Funds - Additional Funding Needed Financing Recommendations:	
Economic Development Tax Borrowing	\$2,163,500
Increase Electric Sales Borrowing	\$1,275,000
Energy United Cash	\$ 43,050
	<u>\$3,481,550</u>
Total Funds Remaining for Future Capital Projects	\$2,956,950

After further discussion, the Council agreed to place discussion on the above

projects and funding on the next agenda for consideration by the Council.

There being no further discussion, the meeting was adjourned until 7:00 P.M.

Respectfully submitted,

Robert A. Mullinax, Mayor

Rita K. Williams, City Clerk

REGULAR MEETING - CITY COUNCIL - CITY OF NEWTON

SEPTEMBER 22, 2004

The City Council of the City of Newton held a regular meeting at 7:00 PM on Wednesday, September 22, 2004 at City Hall with the following present: Mayor Robert Mullinax, Council Members Al Gaither, Wayne Dellinger, Tom Dixon, Tom Rowe, Anne Stedman, Roy Johnson, City Manager Edward Burchins, Assistant City Manager Glenn Pattishall, City Attorney Larry Pitts and City Clerk Rita Williams.

ITEM 1 - CALL TO ORDER.

Mayor Mullinax called the meeting to order and welcomed citizens in the audience.

ITEM 2 - OPENING.

Assistant City Manager Pattishall gave the invocation and led the Pledge of Allegiance.

ITEM 3 - APPROVAL OF MINUTES OF THE SEPTEMBER 7, 2004 WORK SESSION AND SEPTEMBER 7, 2004 REGULAR MEETING.

A motion was made by Council Member Johnson, seconded by Council Member Stedman, and unanimously adopted to approved the minutes of the September 7, 2004 work session and September 7, 2004 regular meeting as submitted.

Presentation of the Area Wide Optimization Program (AWOP) Award to Tim Abernethy, Water Treatment Plant Superintendent, and staff by Mark Hahn, Walter Plant Consultant for the Mooresville Regional Office of DENR.

City Manager Burchins introduced Mr. Mark Hahn, Water Plant Consultant for the Mooresville Regional Office of DENR. Mr. Hahn presented the Area Wide Optimization Program Award to Water Treatment Plant Superintendent Tim Abernethy and his staff. He said receipt of this award was quite an achievement since there are less than 100 water treatment plants throughout the United States that will meet the criteria for this award. He said the standard of reducing the potential for bacteria in the water supply by meeting exceptional treatment criteria and producing water that meets a higher standard is quite an achievement.

ITEM 4 - CONSIDERATION OF APPROVAL OF CONSENT AGENDA ITEMS.

A motion was made by Council Member Johnson, seconded by Council Member Dellinger, and unanimously adopted that the following items on the Consent Agenda be approved as submitted:

- A. Sewer charge adjustments. (approved)

Gerald Tolbert \$123.10

B. Tax releases. (approved)

<u>Acct. #</u>	<u>Name</u>	<u>Address</u>	<u>Adj. Period</u>	<u>Amount</u>
46000140	Gerald Tolbert	203 Kilborne Dr.	June, July, August	\$123.10

C. Proclamation designating Fire Prevention Week. (approved)

D. Proclamation designation Public Power Week. (approved)

E. Proclamation designating the week of September 17-23, 2004 as Constitution Week. (approved)

ITEM 5 - OLD BUSINESS: NONE

ITEM 6 - NEW BUSINESS:

A. Discussion regarding initiating court proceedings on Loretta Chadwick and Claude Townsend code enforcement cases.

City Manager Burchins stated that usually code enforcement cases are placed on the Consent Agenda but this case was unusual.

Assistant City Manager Pattishall reported that the people cited have a large boat in their yard which has been there for some time. The City staff wrote them a violation letter on August 9th and the owners thought they had obtained a place to store the boat but that didn't work out and then they planned to leave it in the yard for sale. The staff advised them that they could not do this. He said the staff recommended that court proceedings be initiated on Loretta Chadwick and Claude Townsend for removal of the boat.

A motion was made by Council Member Johnson, seconded by Council Member Rowe, and unanimously adopted that resolutions be adopted to initiate the court proceedings as recommended.

RESOLUTION #39-2004
RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF NEWTON

CONCERNING:

OWNER/OCCUPANT/TENANT: Ms. Loretta Chadwick & Mr. Claude Townsend
OWNER'S ADDRESS: 1144 Old Conover Startown Rd., Newton, NC 28658
PROPERTY ADDRESS: 1152 Old Conover Startown Rd., Newton, NC 28658
CATAWBA COUNTY PARCEL ID#: 3720 16 82 2860

BEING A RESOLUTION directing the City Attorney for the City of Newton pursuant to Chapter 16 Nuisances of the City of Newton Code to petition the Superior Court of the General Court of Justice of the State of North Carolina for an order directing such owner named herein to comply with Order of the Code Enforcement Officer as authorized by Chapter 16, Sections 16-6 and 16-7 Nuisance of the City Code; and

WHEREAS, the City Council of the City of Newton finds that the property herein described is a safety and health hazard to the public under the provisions of the Nuisance Code and that the provisions of said Code have been complied with as a condition to the adoption of this resolution; and

WHEREAS, the owner of said property has failed and refused to comply with a lawful

order of the Code Enforcement Officer to remove the same to meet the requirements of Nuisances Code within the time period prescribed;

NOW, THEREFORE; be it resolved by the City Council of the City of Newton that the City Attorney for the City of Newton pursuant to Chapter 16, Sections 16-6 and 16-7 Code of the City be authorized and directed to petition the Superior Court of the General Court of Justice of the State of North Carolina for an order directing such owner named herein to comply with Order of the Code Enforcement Officer as authorized by the North Carolina General Statutes, said Order of the Code Enforcement Officer being dated August 9, 2004 and incorporated by reference into this Resolution.

ADOPTED THIS 22ND DAY OF SEPTEMBER

ROBERT A. MULLINAX,

MAYOR
ATTEST:

RITA K. WILLIAMS, CITY CLERK

RESOLUTION #40-2004
RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF NEWTON

CONCERNING:

OWNER/OCCUPANT/TENANT: Ms. Loretta Chadwick & Mr. Claude Townsend
OWNER'S ADDRESS: 1144 Old Conover Startown Rd., Newton, NC 28658
PROPERTY ADDRESS: 1152 Old Conover Startown Rd., Newton, NC 28658
CATAWBA COUNTY PARCEL ID#: 3720 16 82 2860

BEING A RESOLUTION directing the City Attorney for the City of Newton pursuant to Chapter 16 Nuisances of the City of Newton Code to petition the Superior Court of the General Court of Justice of the State of North Carolina for an order directing such owner named herein to comply with Order of the Code Enforcement Officer as authorized by Chapter 16, Sections 16-6 and 16-7 Nuisance of the City Code; and

WHEREAS, the City Council of the City of Newton finds that the property herein described is a safety and health hazard to the public under the provisions of the Nuisance Code and that the provisions of said Code have been complied with as a condition to the adoption of this resolution; and

WHEREAS, the owner of said property has failed and refused to comply with a lawful order of the Code Enforcement Officer to remove the same to meet the requirements of Nuisances Code within the time period prescribed;

NOW, THEREFORE; be it resolved by the City Council of the City of Newton that the City Attorney for the City of Newton pursuant to Chapter 16, Sections 16-6 and 16-7 Code of the City be authorized and directed to petition the Superior Court of the General Court of Justice of the State of North Carolina for an order directing such owner named herein to comply with Order of the Code Enforcement Officer as authorized by the North Carolina General Statutes, said Order of the Code Enforcement Officer being dated August 9, 2004 and incorporated by reference into this Resolution.

ADOPTED THIS 22ND DAY OF SEPTEMBER, 2004.

ROBERT A. MULLINAX, MAYOR

ATTEST:
RITA K. WILLIAMS, CITY CLERK

ITEM 7 - CITY MANAGER'S REPORT.

A. Discussion regarding changing name of East Newton Recreation Center to Central Recreation Center.

City Manager Burchins reported that the East Newton Task Force and Newton Recreation Commission has recommended the name of the East Newton Recreation Center be changed to Central Recreation Center in recognition of the high school that was once located there.

Council Member Johnson, Council representative on the Recreation Commission, stated the Commission recommended the name change be approved to recognize the facility as a part of the history of the community.

A motion was made by Council Member Gaither, seconded by Council Member Johnson, and unanimously adopted to change the name from East Newton Recreation Center to Central Recreation Center as recommended.

ITEM 8 - QUESTIONS FROM MAYOR AND COUNCIL

Council Member Stedman stated that she has received questions from people in her neighborhood for the City to consider looking at the City Code to consider not allowing the construction of fences in citizen's front yards. She requested Mr. Burchins have the staff look at the City Code regarding this matter.

ITEM 9 - CLOSED SESSION TO DISCUSS A PERSONNEL MATTER - G.S. 143-318.11(a)(6).

A motion was made by Council Member Rowe, seconded by Council Member Dixon, and unanimously adopted that the Council go into Closed Session to discuss a personnel matter.

After the Closed Session, Mayor Mullinax called the Council meeting back into session.

There being no further business, a motion was made by Council Member Johnson, seconded by Council Member Gaither, and unanimously adopted that the meeting be adjourned.

Respectfully submitted,

Robert A. Mullinax, Mayor

Rita K. Williams, City Clerk